

2023 Section 319 Nonpoint Source Program Guidelines Revision
Workplan Elements Workgroup Final Report
June 30, 2023

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1 Executive Summary

This report summarizes feedback and revisions that the Workplan Elements workgroup, comprised of members from EPA and state agencies, advanced to the broader 319 Guidelines Revision team. This workgroup covered topics related to program and project funding, alternative watershed-based plans, staff activities, and workplan requirements. A subgroup focusing on Alternative Watershed-Based Planning was jointly held with members of this workgroup and the Watershed Planning Workgroup.

Through a combination of working sessions, independent reviews, EPA and state workgroup meetings/discussions, and consultations with subject matter experts between February and May 2023, the Workplan Elements workgroup identified opportunities for revisions, updates, clarifications, streamlining, and new content development.

In particular, the group noted opportunities to:

- Rearrange and streamline the given sections for clarity and ease of reference;
- Add additional information on expectations for level of detail in workplans and alternative plans;
- Incorporate additional flexibilities for emergency situations and other unique situations in which an alternative plan may be appropriate; and

- Encourage states to take advantage of new flexibilities stemming from the fall 2022 Equity memo related to accounting and spending program or project funds.

A detailed report of comments is in Section 4; a full summary of feedback by section and key points can be found in Section 5.

2 Workgroup Description

The Workplan Elements Workgroup was organized and facilitated by co-leads Margot Buckelew (EPA HQ) and Anthony Suttice (EPA Region 6) and included NPS program staff from EPA HQ, multiple EPA regional offices, and state agencies. As described above, this workgroup covered topics related to program and project funding, alternative watershed-based plans, staff activities, and workplan requirements. Sections of the guidelines reviewed and discussed by the workgroup include the sections listed in Table 1 below.

Between February and May 2023, EPA and EPA-state workgroups met together and in parallel to review and discuss content, suggest revisions, and identify opportunities for clarification and streamlining. Certain content that was flagged by the broader 319 Guidelines Revision workgroup as unlikely to be revised (e.g., 50/50 program/project funding split) was reviewed by EPA only for accuracy and clarity.

Table 1 Sections Covered by the Workplan Elements Workgroup

Guidelines Section	Title/Topic
IX. Grants Guidelines	A. Use of § 319 Funds
	B. Watershed Project Funds
	i. 50 Percent of Total § 319 Funding for Watershed Project Implementation
	ii. Alternatives to Nine-Element Watershed-based Plans (WBPs)
	iii. Types of Staff Activities Eligible for Watershed Project Funding
	C. NPS Program Funds
	D. National Water Quality Initiative
	E. Monitoring Activities
	F. TMDL Development Activities
	G. Exemption from 50 Percent Watershed Project Funding Requirement for Substantial State Fund Leveraging
H. Grant Workplan Requirements	

3 Workgroup Members

A total of 12 workgroup members participated, and the group included representatives from EPA (6), and states (6). In addition to the full-time workgroup members, members of other EPA programs were engaged strategically on topics such as alternative watershed-based plans and protection measures and tracking.

Table 2 Workgroup Members

Name	Agency	Region	Email
Jacey L Brooks	MD Dept. of the Environment	3	jaceyl.brooks1@maryland.gov>
Joy Hinkle	Georgia EPD	4	joy.hinkle1@dnr.ga.gov
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Margot Buckelew*	EPA HQ	HQ	buckelew.margot@epa.gov

*indicates workgroup co-lead

In response to the overlap between this workgroup and the Watershed-Based Planning Workgroup, a second group was convened with EPA staff from the two groups and a subset of EPA Programmatic experts. This group included the members listed in Table 3.

Table 3 Alternative Watershed-Based Planning Sub-Workgroup

Name	Region / Program	Email
Sandra Fanciullo	1	fanciullo.sandra@epa.gov
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*Indicates Workgroup Leads.

4 Topic discussion:

The full, 12-member workgroup held four meetings. Additional planning calls with EPA HQ and EPA regional workgroup members were convened to discuss and incorporate feedback from the state participants. The parallel EPA-only team had five meetings that were structured as working sessions that included editing the sections and discussing ideas to move forward to the broader 319 Guidelines Revision Team.

All workgroup meetings followed a similar agenda: welcome/introductions, review of workgroup process, and facilitated discussions that followed pre-prepared discussion questions (developed by workgroup co-leads and EPA workgroup members). Workgroup members were asked to come to each meeting having read the sections of the guidelines scheduled for that day.

For the Workplan Element Workgroup, the key points below were raised in discussions with the full workgroup. Feedback was considered by the EPA only team, and revisions were then offered for consideration to the broader 319 Guidelines Revision Team. Important considerations are highlighted below.

The feedback from the Alternative Watershed-Based Plans Subgroup was received as in-line edits to section IX.A.II (Alternatives to Nine-Element Watershed Based Plans) from each member. Feedback was then discussed collectively with the group and reflected in a rewrite of the section. Notable outcomes from that discussion were:

- Shifting the section to be included in the overall Watershed Based Plan section;
- Additional details for the acceptable scenarios; and
- Additional information on expectations for plan development and review.

These changes are reflected in the updated Watershed-Based Plan Section of the revised guidelines.

The following is a detailed compilation of feedback from the full Workplan Element Workgroup (EPA and State participants):

Meeting 1: March 22

The sections assigned for discussion in this meeting included IX.A: Use of §319 Funds and IX.B: Watershed Project funds (subsections i. 50 percent funding split and ii. Alternatives to WBPs). The following questions were prompted to the workgroup members and responses were collected verbally and in a shared word document.

Important points from Meeting 1 included:

- *Information on detailed program and project tracking; and how to consider pass through dollars*
- *Additional clarity needs to be added to protection measures*
- *Would like ability to conduct more general updates to WBPs in an implementation project using project funds*
- *A reference for rules and relevant documents would be helpful*
- *Alternative plan guidance needs additional information on scale and level of detail required; but updates here need to consider region to region differences in alternative plan development and acceptance.*

1. What is your experience applying these sections of the guidelines to your NPS program? Why are you referencing the guidelines?

- [The] guidelines are the rule book [I'm using] as a new person trying to understand what's allowed and what is [available to use as] flexibility[ies]. [I'm] regularly using [these].
- We use guidelines a lot for WBP requirements and alternative WBPs. And also for justifying program vs. project work. [Generally, I will] check there to make sure I'm following the rules.
 - o For the most part, [I am able to] figure out what guidelines are saying, but some places definitely need clarification.
- I first used this section for ensuring our RFP, grant application materials, and pass-through project work plans follow the grant requirements and meet planning requirements. I revisit it when I need clarification on the funding split and alternative planning/monitoring guidelines.

2. Are there issues or points of confusion that you have encountered in these sections (Use of Funds or the 50/50 Split)?

- Would like more clarity on measures of success for protection.
- This will be covered in subsequent meetings.
- In reference to IX.B.i, last sentence, would like ability to conduct more general updates to WBPs in an implementation project using project funds, when needed, so that states do not need to track program vs. project funds within the same pass-through project. For example, if a sponsor is getting close to fully implementing the WBP or is near the 5-year mark since it was published and could incorporate an update process into their 319-implementation project, this would make a lot of sense and would keep momentum and local interest for restoration going.

3. Do states need more information on Section A (Use of Funds)?

- It would be helpful to have a table that lists and links to all the referenced rules documents.
- [We] need additional clarity / consistency for citing statutes.
- Make sure that links work!
- What is standard for tracking staff time on project work? Would suggest that budget estimate at beginning of year is sufficient.

Alternatives to Watershed Based Plans: *this was a brief interlude discussion on Alternatives to Watershed Based Plans section.*

- Alternatives may make more sense if it was with the other WBP section.
- [We] also crosswalks and references existing planning documents in our project workplans for components that meet alt planning requirements. Sometimes it isn't just one alternative plan but a collection of alternative planning documents. This has worked best for our needs.

4. What additional information would be helpful in these two sections to increase clarity? See below for additional information and examples provided by California and Wyoming.

- Add clarity on level of detail needed to meet the 9-elements. The level of details that is accepted can vary and sometimes this is a barrier for groups.
 - Also having more detail on scale can help - we've had things get rejected by the region because of scale [not aligning with their expectations].
 - EPA offered examples of when this is important for a state responding to wildfires - context and response time are important.
 - Importance and timing of 319 has shifted and there may be more appropriate pots of money, but 319 still can play a role and we are working through what those can look like.
- Regarding "In the near future, EPA will also give consideration to other potential measures of success for the § 319 program, including measures for protection efforts." Can we expand "potential measures of success" (although this may be a focus of another workgroup).
- Cesspools are an issue for us, and we'd like to be able to use [319] funds, but many are in places that don't have a WBP. Using an alt plan in this situation could be helpful, but level of detail or scale isn't clear for this either.
 - More flexibility for alt plans for emergency situations - more clarity clearer guidance in what is in them, if states could approve rather than EPA, etc.
- [State Perspective] Region 4 gives states a lot of flexibility - especially when targeting equity/DACs - so they end up doing a lot of alternative plans.
- For projects without a WBP, we would like to see additional clarity for the level of tracking EPA is asking states to do for project vs. program funding (see above comment). Is this at the grant or pass-through project level?

- For areas that have WQ issues but no plan, [we have] been doing a crosswalk - no specific, single, planning doc is required to be written to fulfill alternative planning requirements, but if multiple planning documents together meet requirements, they are all referenced in the crosswalk.
- Furthermore, we do a crosswalk to 1) ensure that all 5 alt plan requirements are fulfilled before a proposal is submitted and 2) to reduce duplicative efforts for the sponsor and state. It is an inefficient practice to write a detailed alt plan summarizing plans that already exist and satisfy requirements.
- Social equity circumstances could be added.
- [We are] trying to incorporate more equity and allow more access to funding. WBP approval can take a lot of time, and [it sounds like] R3 is stricter than R4. Interested to know how folks are targeting EJ areas to support building WBPs and alternatives.
 - EPA: Flexibilities in fall 2022 equity memo allows planning and implementing at the same time.
 - EPA: An alt plan may provide an effective road map - not just a bureaucratic exercise.
- EPA: Have states incorporated equity into their RFPs?
 - *EPA Regional responses:*
 - In TX, it's in the RFP.
 - Oregon is about to add, and AK already has some equity considerations.
 - 3 states in R8 have or will in the next round.
 - *Written comment:* As social equity initiatives in the 319 Program grow in momentum, please 1) maintain the primary focus on water quality improvement and 2) continue to provide enough flexibility so that states are able to implement initiatives specific to their state's needs and circumstances.
- [I would encourage EPA to] Do something similar with alt plans - if a group can complete a checklist with other documents that's ok. When they move to alt plans, this can be a barrier because these groups can't plan so we lose capacity to do any watershed work.

Written feedback:

State A:

- Definition of high-quality waters (should be very flexible). (Section B.i): Should be recognition that definition of high-quality waters is subjective and that much

flexibility should be given to states to determine what a high quality water is. Definition should not be limited to category 1.

- Remove distinction of protection from restoration or improvement; any activity that improves the water should be the extent of the definition. (Section B.i)
- Section B should be expanded to allow watershed project funds to be used for identifying project implementation sites. (Section B.i): For context, this is related to one of our post-fire recovery projects where part of the project is working with landowners to identify the best implementation site. When we're awarding >\$250k to implement work in a watershed that has a WBP (in the form of a TMDL and other supporting documents), we should not have to track the \$\$ that are used to select implementation sites. Another way to phrase this is to clarify whether selecting individual implementation sites, *in a watershed that has already identified the sources and the necessary actions*, planning work?
- What is an appropriate "level of detail" for watershed plans and alternative plans? (Section B.ii): The standard for "level of detail" seems to fluctuate and is often set too high for some our grantees. It is not reasonable to expect organizations to investigate every corner of a watershed, and talk to every single stakeholder, to come up with solutions for a watershed. This is ideal, but not realistic. Sometimes, the best option for a watershed is to just start work. Sometimes we're lucky to get just one entity interested in doing work in a watershed, and often the "level of detail" standard is too big a barrier for them to do work.
- What is a geographically appropriate scale for watershed plans? (Section B.ii): Could use more guidance on what a geographically appropriate scale is. In one of our recent alt plans, US EPA said the scale of the area was too large.
- What is sufficient analysis? (Section B.ii): Examples of sufficient analysis would be helpful. The Grantee for one of our projects looked at many factors to assess the watershed, and US EPA doesn't want to accept the analysis, saying that they didn't look at percent change in landcover after a wildfire. It's a good suggestion, but it does not appreciate the level of detail the Grantee already put into the alt plan.
- Recommend not requiring US EPA approval of alt plans. Adding this approval step delays on the ground implementation. US EPA should defer to states assessment of adequacy of the plan. (Section B.ii)
- What is "timely" in the context of developing an alternative plan? (Section B.ii.b.): One suggestion would be to add a timeframe for "timely." For example, something like this could be added. "in emergency situations, development of an alternative plan may occur over one or several months. Provided the alt plan

adequately summarizes and acknowledges the main sources of water pollution, this timeframe will ensure implementation of management practices occur in timely manner."

- Who are "local staff"? (Section B.iii)
- Can we get guidance on how to report on staff work that's categorized as project? (Section B.iii): Preference is that it is estimated at the time of the work plan and that is good enough. US EPA has alluded to requiring us to track actual hours spent on project work, which seems unreasonable.
- Can we get clarification on how monitoring efforts and coordination efforts would be classified in terms of program or project? (Section B.iii, related to Section E): Example- would developing a monitoring plan specifically for the 319 grant program, or working the Surface Water Ambient Monitoring Program (SWAMP), which implements "general" water quality monitoring, to focus on NPS grant projects, be considered program or project? Example - would our work collaborating with the CWSRF to develop an agricultural funding program be considered project or program work?

State B:

- I understand some regions are much more stringent on their WBP process and that some regions have greater flexibility. If a middle ground is added to the guidelines that will significantly impact regions with historically more flexibility, please consider the how that would affect things on-the-ground for our project sponsors.
- Please clarify what is meant by "on scale." I believe this refers to the watershed scale (HUC12 vs HUC 8, for example). Please also note that, while a document that has alt planning components may be written at a larger scale, it may have enough specificity to meet alt planning needs in certain circumstances.
- It is critical that any new expectations remain flexible for regions that currently have less stringent process for alternative planning. Putting more process, or similar process to traditional WBPs, may negate some of the value inherent to alternative planning. For examples, states can rely on alternative plans in situations where a faster response to a water quality concern is needed. Additionally, processes that lengthen approval times would likely deter some projects from participating in the 319 grant program.

5. How is your state balancing implementation, planning, and overall program management?

- *Written Comment:* It's hard for us to stay within the 50% limit on program work.

6. After reading the assigned sections, how do equity issues in your state factor into these topics? How is the state setting priorities for equity?

- *Written comment:* We are working with US EPA on the methodology for using the RPS tool and other EJ screening tools to find areas of the state to focus our outreach and possibly prioritize for this upcoming solicitation. We have a charter that explains the work we are doing on equity that we can share with the group.

7. Are there emerging NPS challenges in your state connected to a changing climate that aren't addressed in the guidelines or could be better addressed (as they relate to use of 319 funds and project implementation \$, and alternative plans)?

- More flexibility when it comes to emergency recovery (i.e., less stringent alternative based plan requirements).

Additional questions:

- What can fall under program work? Having trouble tracking staff time and other efforts.

Meeting 2: April 11

The sections assigned for discussion in this meeting included IX.B: Watershed Project funds (subsection iii. Staff Time) and IX.C Program Funds. The following questions were prompted to the workgroup members and responses were collected verbally and in a shared word document.

Important points from Meeting 2 included:

- *Detailed accounting of program v project funds can pose a challenge at some levels.*
- *Many communities don't have a watershed-based plan or the capacity to write one, so states are eager to see how equity memo flexibilities function.*
- *Information on accounting dollars in situations for pass-through would be helpful.*

1. Is anything holding you back from meeting minimum of 50% going to implementation? If yes, why is this happening?

- We use 50% of grant to fund staff activities - a lot of staff could be focused on project work. EPA says we have to track staff time but to do that would have to be on a weekly basis - we find that would be too cumbersome. So that is a challenge even though staff are doing "project" work. We have staff at state and regional level and the regional level folks are managing projects, but we don't differentiate between [program and project for them], [all that to say] because so much is spent on staff time, there is not much money left for planning.
- 50% toward implementation was the very first thing I was told. Spending program money is easy, sometimes project funds are more challenging. I understand [the program] wants to do implementation, but the challenge of finding enough projects that have WBP ready to go is harder. Sometimes [communities] come to us with problems at the end of the grant cycle. The policy here is clear and understandable, but it is challenging to [implement it sometimes].

EPA (facilitation): is anyone thinking about how to take advantage of the new flexibilities introduced in the FY22 Equity memo?

- We're hope to get those rolling out but how they are defined is critical next step.
- JB (MD) We're very happy to have that flexibility. [Many] communit[ies] don't have the capacity to develop the WBP so we have to do that ourselves (at the state level), or take money back (curious about state circuit riders).
- RC (HI): We're still learning but [we work similarly] to CA and GA [in that it is] more challenge to spend down project money. It is difficult to separate out staff that would qualify for project so just do 50/50 but might be difficult to track [if we needed more specific numbers].
 - o The memo has helped ID a couple opportunities, looking forward to testing over next couple years.
- We also have separate funding for monitoring biological approach to monitoring. Also, similar challenge [with] what can assign to 319 versus other program[s]. Wondering if other states have any experience with that. We don't have any issue with language or terminology.

EPA (facilitation): Appreciate hearing that language makes sense, and it's also helpful to hear what [the other] challenges are so that we can consider even if language in guidelines doesn't change it can help EPA think about any clarifications or other report[s].

2. What are key programmatic activities that you or your staff do? What are the activities that make sure environmental outcomes move forward?

(EPA emphasized eligible staff activities) Is there anything missing from the list?; OR Subawardee, what are the key things they are doing?

- [I] wasn't sure if this question is getting programmatic actions that [are] permissible or staff activities.
- Sometimes we have clarifying questions on what is project vs. program. Can there be any more general clarification? We are collaborating w/ CWASRF on develop ag program(?). Would monitoring fall under this list? For example, developing monitoring plans for 319. I will also send my notes.

EPA(Facilitation): statewide efforts are typically program side of house. General clarification edits in guidelines are allowed.

- [We] typically does not have challenges with spending both project and program funds, and we adhere to the 50/50 split. Typically, there is a greater need for project funds from sponsors than what is available. We reserve a set amount of program funds for PPG and staffing, the rest of the 50% goes to pass-through. My question deals with pass through side. Clarification on if states should be differentiating between program and project funds and tracking them separately for an individual pass-through project would be appreciated. For example, if there is a monitoring task in the overall budget for a pass-through implementation project, do we need to account separately for the monitoring via program funds? Individual pass-through projects in WY are either denoted entirely as “project” or “program” and are not a mix of both project and program funds, but it is unclear if this is how we should be tracking.
- Some of our projects are split like that. If there is too much planning, then we use program in one project. If a project design that is 50%, we would use project to get up to 100%. Does introduce complexity in getting balance between the two.
 - o Additional note [that some states use] 65% as split.

3. What guidelines suggestions would help you to get state agency level support? Or to ease the challenges with either implementation or programmatic work?

No Comments

4. How do you communicate the importance of program funds?

- My state Agency knows how important program funds are, we don't have any other sources, if anything [we are] relying on 319 too much. [In general] our state is too reliant on federal investments; otherwise we would not have funds for 319. The percentage of state investment vs. federal might be an interesting analysis. We just have very low state investments, [may be similar] in [other] R4 states.
 - o How many different state agencies get our funds? (fishery, coastal, aquaculture.) How many people, and outreach activities? [I suspect] the number of people we are touching are quite high. Could [others] share how other states are funding different things[?]

EPA (facilitation): what kind of measures or milestones are you using?

- NPS annual report is a useful metric. [There are] metrics are in our workplans but going through annual report helps us better tell the story. When [we] can't update our volunteer database, we can ask for state funds. Maybe we are not telling our story enough, interesting question.

EPA: Other states? Is annual report a good approach?

- Our annual report is a key metric, the [agency] also has a dashboard that the NPS Program can add metrics to for any leadership discussions. [We] put all our milestones in our annual report and discuss schedule.

- [We have] lot of support from upper management. Interesting to hear other states. [Our program is funded] approximately 1/3 by 319, but also some of our monitoring. Reiterate annual report is biggest method to communicate. Not just 319 but also all the other NPS milestones we have achieved.
- WY is my goal for my annual reports!

EPA (facilitation): Closing Comments

- On program/project funding, [we] appreciate hearing generally it just is what it is. Encourage you all to keep thinking if there are things we can keep teasing out in guidelines.
- Section C [says that] program funds may also be used for protection - has anyone used the funds for protection plans?
- *Cyd clarified it means can write alt plans for protection with program funds.*

Prompt about section G: Exemption from the 50 percent watershed project funding requirement for substantial state fund leveraging:

- [We] have not had success w/ exemption. [Hesitant about] other funds [because we] don't want to get tied to reporting.
- [We've] been considering options to drum up more interest. We spoke w/ reps from other states and they mentioned reporting requirements were very extensive. We have sufficient funds but we are hesitant about the reporting requirements.
- [I've had feedback that] NC [has done this and] speaks about this, and they may be happy to join a call to discuss more.

Meeting 3: April 26

The sections assigned for discussion in this meeting included IX.D National Water Quality Monitoring Initiative and IX.H Grant Workplan Requirements. The following questions were prompted to the workgroup members and responses were collected verbally and in a shared word document.

Important points from Meeting 3 included:

- *It will be important to consider how to coordinate with NWQI partners and to ensure that information transfer is happening, especially across grant cycles.*
- *Staff capacity is limiting for NWQI success.*
- *A glossary for terms would be useful for reference.*

1. Do you refer to section D for NWQI information? If no, why? If yes, what additional information would be helpful?

No comments.

2. Is there anything unclear about expectations to align NWQI and 319?

- The section mentions “a sufficient amount of funds” be dedicated to coordination and to have a minimum of 3 watersheds. Is it a minimum of 3 ongoing? And is there guidance that was released for what sufficient funding means?
- EPA: This section is confusing especially bc there are NRCS expectations and EPA expectations on how that intersects with 319. NRCS establishes 3 watersheds expectation, EPA establishes expectation that at least 1 is 319 focused monitoring - and discuss sufficient funds 319 or other. Here is a link to guidance on that: [Guidance on Monitoring in NWQI watersheds - EPA Expectations and Program Support in FY14](#)
- When I came on to the program, I had to fill out spreadsheet about NWQI watersheds [but] no one could tell me what to put on this spreadsheet. [There is a] real disconnect between our assessment and NPS program [at the state agency] - there was a lot of confusion. Wanted to share this experience because it's not as easy as it seems in the guidelines. Learned that sometimes NRCS has contracted with and RC&D on a watershed and [our agency] didn't know, and the data is not shared.
- The partnership is not as direct as it seems in the guidelines. We are attempting to work on it. [NRCS] is seeing frequent changes in PO. Also, the choosing of the NWQI watersheds doesn't always match with when 319 workplan is included. So, I can share generally in workplan intent to monitor, but not specifics.
- EPA: We have heard that from other states and EPA regions and independent of the guidelines revisions, are starting to open a dialogue with NRCS about how to make the process more understandable/transparent.
 - o *Follow up comment [that other states are] starting to reinvigorate these discussions.*
- Our experience is similar, NRCS has contracted all monitoring through a local college - started in 2021 - don't know if we even reported anything this year, not really part of things.
- The requirement for prioritizing 319 funds to monitor 1 watershed per year is challenging on many fronts, especially when a clear process/partnership with NRCS for doing so doesn't exist. Other challenges to consider: state agency staff capacity (if conducting monitoring themselves), project sponsor staff capacity (if conducting monitoring via pass-through funds), and landowner willingness to have monitoring data be publicly available, to name a few.

EPA: is this directly related to the guidelines or are your issues emerging "after the guidelines"?

- After the guidelines. Language in guidelines is straightforward. But the reality of implementation is more challenging. If NRCS is making other decisions, then does it need to be in the guidelines?
- We've had similar situation as [that state].

EPA: Thanks for feedback, and will work with national overall to get more specifics on the coordination etc in that part of guidelines and add any specifics just relevant to implementing workplan in this section.

For Section IX.H Workplan Requirements, is there anything unclear or that needs additional info?

- Outputs and outcomes are confusing - goals and objectives? I'm not sure I follow, are these project specific or supposed to be in workplans?
- I realize we always want to see examples. My last tech advisor was good at the measures of success so something from EPA will be a good example.
- A couple terms want to see if we could clarify. State workplan - vs. implementation workplan, state grant workplan, annual work plan.
- EPA: definitely confusion around this area - we have talked about a glossary to ease this issue, but good to hear that this section is particularly confusing.
- Different elements required in different areas. When section 2 goes into process different terms are used. Section 40 CFR 35.107 has different elements than are required here. So important to be consistent. And PPG has a few different things.
- We have gone through to see if a true synopsis is within each work plan. But after rereading I'm not sure every workplan has to have a synopsis within - so clarify here.

Overall comment - this area really needs a fine-tooth combing regarding terminology and matching all referenced types of workplans or planning docs.

EPA: [Are some of these comments are reflecting a] regional review process difference? This may be outside the scope of this meeting, but we can try to even out any issues besides that in guidelines.

- EPA: each state has to do workplan differently, so a general one may be specified at a later date, etc. Good questions though!
- It's hard to find examples of other state workplans in GRTS - not necessarily a guidelines issue but would be helpful as a resource!

- EPA: in region 6, [some states] call [WBPs] watershed implementation plans. So I agree with idea of a glossary because distinctions between nomenclature can create confusion in national guidelines.

Are there other general thoughts on this process that you would like to share?

- Were we going to discuss the exemption from 50 percent project funding requirement? I would like to bring in another state that is willing to share how they are doing it.
- EPA: would having that conversation be helpful to hear about the reporting requirements? Or just more info to help provide any input on the leverage exemption language?
- [both]

Meeting 4: May 1

The specific section for this meeting was IX.E: Monitoring Activities, but the discussion started with a focus was on protection measures and getting feedback on protection work for broader incorporation into the guidelines. The following questions were prompted to the workgroup members and responses were collected verbally.

Important points from Meeting 4 included:

- *Ensuring a consistent definition of protection will help add clarity.*
- *Additional protection BMPs need to be added to GRTS.*
- *Challenges with monitoring include accessing private properties and limitations related to the grant timeline.*

Introductory presentation by Steve Epting on protection in the current guidelines.

- I'm trying to figure out protection, but a lot of our history has been on restoration. [I'm not sure] what a watershed management plan should look like [for protection]. We are looking at what other states have done in our region to get ideas.
- EPA: on the funding side, the only thing we say [in the guidelines] about protection [is that] "a limited amount can be used for protection". On the planning side, we have talked about importance of protection together with restoration. Now we think there is a lot more room to grow. Some states have realized [that in] cases where there are unimpaired watersheds and no [downstream] impairments, alternative watershed plans will suffice. Maine uses this and has 40 examples of smaller lakes and ponds [and local associations that want to be working on keeping them in good condition, so they use an alternative plan so the state can spend funds there].

1. Is the distinction clear between protection and restoration? What does that mean in your state?

- [The definition] works well for [us]; we do differentiate between protection and restoration [in the RFA]. So how it's defined in guidance is how we implement in the state and use primarily program funds for that.
- In general, it works [for us too] - sometimes it gets a little jumbled in the terminology...healthy waters, protection watershed plan, healthy watershed plans initiative. Make sure you know what you mean with each choice of words [and make it consistent].
- EPA in chat: [https://www.eli.org/sites/default/files/files-pdf/NPS Protection Report DRAFT for PLE.pdf](https://www.eli.org/sites/default/files/files-pdf/NPS%20Protection%20Report%20DRAFT%20for%20PLE.pdf)

2. On “a limited amount of project funds”:

- a. How much do you want to be putting? Does this serve as a barrier?**
 - b. Do states want more flexibility to put more funding towards protection?**
 - c. What guidelines changes would support that?**
- General question - we don't single out our project funds so when Steve talked about limited amount of funding and keeping the balance between protection and restoration - is there a number? Percentage of funds that can be spent on protection?
 - EPA: There is no back-end number behind that - deference is given to regions and states. Also consider[ing] what is in Nonpoint Source Management Program Plan and assessed waters - what is upper bound? I don't think there are states doing more than 50% at this time.

EPA: has anyone run into this being an issue? Or is it vague enough to discuss with your Region and ultimately put as much as you'd like to put towards protection?

- It's not an issue for us in Region 4. The original state coordinator encouraged 1 protection project in each funding year. We worked toward finding those projects as they were placed in workplan as regional guidance. But [this emphasis] has not been ongoing guidance. Healthy watersheds tend to go on to become alternative plans in [my state].

EPA: Follow up question: [in this case of using] protection plans as alt plans, is that process going smoothly?

- It doesn't seem to be a problem [because our] interpretation of guidelines has not been strict. We have helped groups develop [plans] if needed. [Groups interested to do protection work are often coming from watersheds that have no plans in them, so we work on putting an alt plan in place to support local protection goals.] So for us, it has been reasonable. While process might have room for improvement - we have not experienced any barriers working with R4.

3. Measures of success for protection (Appendix B - indicators and measures includes information on protection):

- a. **What do you think about the current GRTS indication for protection?**
- b. **What should a national protection measure include?**

- SE (HQ): To elaborate on GRTS definition [of protection]: right now definition is based on project budget - identifying whether funding is going toward an unimpaired high quality water, but this can get complicated. This has worked well for EPA tracking purposes, but if there are thoughts on how to track differently now is a good time.
- The box has Y/N language, [but the question in GRTS asks] if [the project] is protect[ing] unimpaired, high-quality waters. [But] what does that mean? [Again, with the interchangeability of terms, this phrasing in GRTS makes it hard] to remember how to pull in OBI. This comment feels nitpicky - but the checkbox as a starting point might not be obvious.
- Recently, we had difficulty with a protection project. In GRTS, when you go in to list planned activities and then go back after [the project is finished] to put actual BMPs, the choices weren't there that we needed. We had to go back and do some work - maybe better define protection type BMPs in GRTS? [Additional information on] planned vs actual.

EPA: any other protection topics of questions we wanted to discuss?

- EPA: [Thinking about flipping some of these questions back to EPA could be a useful reframe - for example] is EPA satisfied with amount of protection [that is being implemented]? I liked what Joy said earlier, and my observations from states that have done protection [is that they] have done 1 per year or a few watersheds over a time period then [think about implementing] restoration [to support the protection goals]. Should we be framing this differently? There may be areas where collaboration may be able to help protection and how do we incorporate that into guidelines?
- EPA: Make sure to include collaborative planning and implementation agencies as partners in protection projects as well as in other projects/guidelines sections.
- Have any states directly implemented NPSMP that address climate change and what measures [are being used for protection]?
- EPA: There needs to be more thought on future conditions on this. We could learn more from protection plans that are forward looking [and thinking about] future threats.

Section IX.E Monitoring Activities:

1. What are some key challenges in implementing a monitoring program?

2. Is there something missing from this section of the guidelines that you would like to see as an eligible monitoring activity?

3. Is there an incentive that would make implementing monitoring worth it for your program?

- For #1, in [my state, the] challenge is primarily capacity. Project sponsors do not always have the staff, resources, or experience to monitor. DEQ staff do not have consistent capacity with existing workloads. We rely a lot on project sponsor to conduct monitoring, [and if they can't do it, we don't get the data]. Another challenge is having permission from landowners to monitor. Owners not always comfortable with allowing DEQ or sponsor to monitor [on their property].
 - *Follow up written comment:* Landowners are not always amicable to BMP effectiveness monitoring for various reasons. In order to keep landowner buy-in for implementation, discussions regarding water quality monitoring (BMP effectiveness) must be handled appropriately. If a landowner sees the water quality benefit possible with an implementation project but does not want water quality data from their property to be publicly accessible, this is a possible sticking point for the project.
- We have many of the same challenges as WY. In Georgia, we run out of time. The BMPs FINALLY get in and then there's only a little bit of time left to do meaningful monitoring before their grant or the EPA grant ends. [There is a big question on] how to go back and monitor old projects in the future? A lot of people that use the data asked for requirement for monitoring funds for each grant year. We don't have a state level requirement for monitoring. There have been different drivers for monitoring over the years, seems to follow national priority or state priority. Ongoing guidance [needed](#) from EPA in terms of monitoring needs, priorities, WQX.

5 Program Needs

The following section provides a summary of program needs, feedback, and action items for the guidelines revision that were informed by workgroup discussions (detailed in Section 4).

IX.A Use of Funds:

- Add specific statutory reference text and links to rule documents, potentially as an appendix. Additional information on relevancy of these resources and applicability to the 319 program would be helpful.

IX.B Watershed Project Funds:

- Add additional clarity on measures of success for protection (broader protection discussion was incorporated into other sections of the revised text).

- Move the Alternative Watershed-based plans section to the Watershed Planning section (see above for brief discussion of additional changes to this subsection).
 - Add additional information on level of detail expected to meet elements and on scale.
 - Allow for more flexibility for emergency situations (this topic was discussed in detail with the EPA Alternative Plans Sub-Group and resulted in additional information included on this scenario in the revised text).

IX.C Program Funds:

- Add clarity on what activities can fall under program funds and information on tracking.
 - Specific request for additional information on tracking in pass-through situations.

IX.D National Water Quality Initiative:

- Communication between the layers of NWQI and the state 319 programs could be stronger – expectations are not necessarily clear enough to ensure the programs communicate.

IX.E Monitoring Activities:

- Additional flexibility to fund monitoring beyond the grant end date would be helpful.

IX.F TMDL Development Activities:

- Update reference language.

IX.G Exemption from 50 Percent Project Fund Requirement for Substantial State Fund Leveraging:

- Information on the tracking expectations and requirements would help this feel more approachable to more states.

IX.H Grant Workplan Requirements:

- Outputs and outcomes are confusing, examples would be helpful.
- Terminology around workplan is not consistent throughout.
- Information on Elements is not consistent throughout.